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Comment:

I would like to comment on orphan works from the "other side"

In my career writing software, I have worked for a number of companies that are now out of business.

In almost all of these cases I have the only existing copies of the source code, but since they are works-for-hire, I do not own the copyright. The principals of the corporation are gone, and the works are abandoned.

The software is a legal limbo -- I cannot distribute the software nor make the source available, yet I frequently see the ideas I was using 20 years ago being patented since there is no open record of what was written long ago.